

REMARKS

The examiner's analysis of the claims and the cited art is appreciated. Applicant is certainly aware of various call monitoring techniques such as caller ID and time of day blocking. The following comments address the prior art cited by the examiner. However, applicant has amended the claims to more concisely define the invention. For example, in new claim 46, the inclusion of a logic system to characterize behavior of a call recipient is now set forth as an element where the decision on how to process an incoming call can be determined based upon prior actions of the recipient.

The Brown patent No. 5,060,255 cited by the examiner in combination with other patents is discussed in applicant's background. The following elaborates on that discussion and then discusses the other cited patents.

While this do-not-call service provides some relief from unwanted telephone calls, it has inherent disadvantages since it cannot discern which callers should be permitted to ring the subscriber's phone regardless of the do-not-disturb settings. This deficiency does not permit the subscriber to receive emergency and/or urgent calls. Further, this approach is implemented in the telephone company's central office or switching facility and not in a consumer's communication device. Therefore, only subscribers can utilize the timed-do-not-disturb capability. Subscribing to a value-added service such as the timed-do-not-disturb service usually requires the subscriber to pay an additional monthly service fee. This approach also yields a cumbersome user interface along with remote access security issues.

While such a system selectively blocks incoming phone calls, this system suffers from several deficiencies. It lacks key capabilities including processing support for emergency conditions. For example, if a caller has an emergency situation and their call is being blocked, they have to call the operator, explain the situation, and rely on the operator's judgment to put the call through to the service subscriber. The operator may or may not have the same values as the user and/or caller and could possibly make an undesired decision in handling the

call. If this situation is time critical, valuable time could be lost while going through the process of placing the initial call; the system blocking the call; the caller designating the call for and connecting the call to an operator; and then the caller explaining the situation to the operator to determine if this call should be allowed to ring the subscriber. Also, since this system does not associate a special ring pattern/tone with an emergency condition, when the subscriber finally receives the call, they may or may not take it because it is during a time they did not want to receive calls. Further this service relies on the emergency numbers always being known (i.e., all emergency numbers are logged into an emergency list/the highest tier and some embodiments require corresponding PINs (Personal Identification Number) or all service switching points are programmed to recognize emergency numbers). Per an example Redd used, upon a new fire station providing service to the subscriber, the new phone number has to be programmed into the central office database as a new emergency number for the subscriber along with a correct emergency PIN. If this does not get done correctly or the emergency list is compromised, the results could be undesirable or even fatal. Even further, as opposed to the proposed system providing necessary capabilities to adapt to abusive use, Redd suggests that legal sanctions may be needed to enforce its shortcomings. Not only is such a system non-adaptive which could thus enable the subscriber to quickly respond to an abusive situation, the user interface is extremely cumbersome. So much so that an Intelligent Peripheral (IP) at the telephone company's central office or switching facility is proposed to offload the processing necessary to program the service by the subscriber. Redd admits that a substantial amount of time is required to interface with the subscriber in order to successfully program the service. When the subscriber programs the call blocking service, they have to remember which callers, their caller identification numbers and/or PINs, have been entered on which tiers. If this data were in their device it could be readily accessible and scrolled through to ensure the lists are correctly maintained. Even further, since the service is provided via the telephone company's central office or switching facilities instead of in a consumer's device, greater security issues

arise. A complex scheme of PIN numbers, access levels, monthly key numbers, and encryption are proposed to provide remote security to the subscriber so their service is not compromised by an unauthorized user.

A network based outbound call management technique is described in U.S. Patent 5,463,685 issued to Gaechter entitled "Network Based Outbound Call Management". In this patent, outbound calls are managed by subscribers to the service likened unto an auto-dialer; a call is scheduled and automatically dialed at a particular time from a list of phone numbers that resides in a database. This patent discusses outbound call management equipment which is used to take surveys to determine customer satisfaction, to seek political opinions, and to do market research. It goes on to state outbound call management equipment is used to sell products and services to effectuate fund raising and support bill collection, among other things. This service provides a subscriber who is typically a telemarketer, solicitor, customer management, market research, and/or bill collector a tool to place calls to the public. There are no control means to keep the said subscriber from placing additional calls to a specific receiving party even if the receiving party previously received a call from the subscriber and told them that they do not want to receive phone calls from the subscriber anymore. No means exists for a receiving party to rate a call using their communication device. Control is in the hands of the subscriber, not the receiving party. This patent does not manage received incoming communications and in fact creates the substantiation for having incoming communication controlled by the receiving party.

Yet another network based call management technique is described in U.S. Patent 6,160,877 issued to Tatchell entitled "Method of Screening and Prioritizing an Incoming Call". In this patent numerous telephone services are integrated at the telephone service company's central office. The service provides a subscriber an interface using voice recognition to tailor additional services including call management. As with all other prior art cases, this service requires the subscriber to successfully preprogram the services prior to use. This method controls incoming calls according to preprogrammed profiles of the

subscriber. Mood and / or learned behavior that can be inferred without programming are not supported. Further, modifications to this service are not done by observance of the subscriber's behavior instead; this interface requires the user to successfully re-program the service. Also, this method does not consider the management of any emergency conditions which leaves the subscriber unable to be notified of a critical situation. For example, if the service is in the state of "block all calls except for when mom calls". At the same time, the subscriber needs to be notified that their child became very ill at school needing to be picked up. This service would not permit the critical call to get through to the subscriber. Additionally, the subscriber has to remember the "state" in which they left the call management "agent". They could easily forget the service "agent" is in the "only accept calls from mom" state and not be receiving any other desired/critical communications.

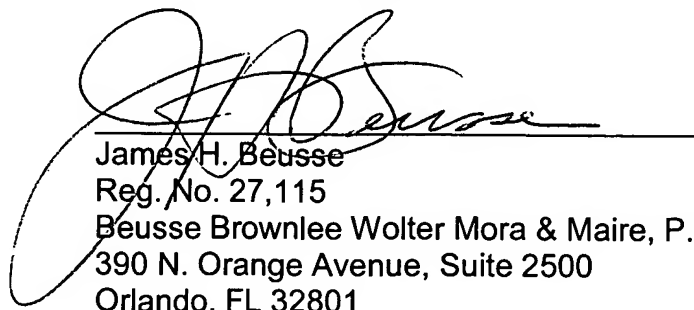
A system for controlling and monitoring of telephone calls in institutions and correctional facilities is management technique is described in U.S. Patent 5,535,261 issued to Brown entitled "Selectively Activated Integrated Real-Time Recording of Telephone Conversations". In this patent communications are recorded and processed based on the occurrence of specific pre-defined events that are preprogrammed by a system administrator. Upon an occurrence of a pre-defined event, the system will determine if the call being placed is blocked or allowed to be placed. If the call is placed, another set of specific pre-defined events are sought to determine if the system should record the conversation. These pre-programmed conditions are setup by the system administrator and do not change unless the system is reprogrammed by the administrator.

One more conventional call screening technique is described in U.S. Patent 4,277,649 issued to Sheinbein entitled "Method and Apparatus for Screening Telephone Calls". In that patent, a telephone system is disclosed in which a called customer or user can screen calls incoming to his station based on the identity of the calling line. The calling line's identity is forwarded to the switching office containing the called customer's screening memory. The memory is interrogated to ascertain the call disposition based on information

previously put in the memory by the called customer. In this approach, the screening process is once again dependent on screening conducted at the telephone company's central office or switching facility at which a centralized database is located.

Prior art solutions provide incoming communications control only when successfully pre-programmed. This programming is static and very cumbersome; numerous commands have to be known by the user; the state of settings has to be known/remembered; lists typically have to be managed; etc. There are no adaptive solutions that learn the user of the communications device in order to dynamically modify the management of their incoming communications. Also, prior art solutions typically reside at the service provider's central office requiring a user to pay a monthly subscription fee instead of in the user's device where they own the capability as an embedded feature of their incoming communication device. There exists a need to simplify the user's interface in their communication device making it adaptive to real-time situations. The device needs to be intelligent where it learns the behavior of the user of the communication device so as to best manage incoming communications for the user instead of requiring the user to preprogram it the later yielding stagnate results. The said device needs to be tailored to the receiving party's personal needs without constantly reprogramming incoming call management control.

Respectfully submitted,



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I HEREBY CERTIFY that this Amendment is being mailed to: Mail Stop
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1450 on this 17TH day of February, 2005.

Shirley Goff

